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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yuba)

In re A. M., a Person Coming Under the Juvenile
Court Law.

C087006

YUBA COUNTY HEALTH AND HUMAN
SERVICES DEPARTMENT,

(Super. Ct. No.
JVSQ160000194)

Plaintiff and Respondent,

v.

N. W.,

Defendant and Appellant.

Minor A. M. was detained, and later removed, from parental custody in December 2016 and placed in the foster care home of R. G. Appellant is R. G.'s daughter. Appellant lived with R. G. while R. G. was providing foster care to the minor. A year later, after reunification efforts had failed, Yuba County Health and Human Services Department (the Department) moved the minor from R. G.'s home. R. G. filed JV-180

request to change court order (petition for modification) on February 21, 2018, seeking to have the minor placed back in her care.

At the court hearing, appellant appeared with R. G., however, the Department argued, and the juvenile court agreed, that she lacked standing and only R. G., as the moving party, was permitted to participate in the proceeding. The juvenile court subsequently denied R. G.'s petition for modification. A single notice of appeal was signed and filed by both R. G. and appellant. R. G. subsequently dismissed her appeal. Appellant's appeal remains. We now dismiss her appeal for lack of standing.

"Parties have standing to appeal only if legally 'aggrieved' by the judgment or order appealed from. [Citation.] A party is considered legally aggrieved such that he or she has standing to appeal only if his or her 'rights or interests are injuriously affected by the judgment.' " (*Bratcher v. Buckner* (2001) 90 Cal.App.4th 1177, 1184; see also *County of Alameda v. Carleson* (1971) 5 Cal.3d 730, 737.) To be aggrieved or affected, a party must have a legally cognizable interest that is affected injuriously by the juvenile court's decision. (*In re Paul W.* (2007) 151 Cal.App.4th 37, 55.) A party may not take an appeal based upon an error that injuriously affects only a nonappealing third party. (*Bratcher*, at p. 1184.)

With respect to appellant's appeal, since it was not her petition for modification, she is not the party aggrieved from its denial and may not appeal on that basis. (See Code Civ. Proc., § 902; see also *In re Aaron R.* (2005) 130 Cal.App.4th 697, 703.) Nor were appellant's rights or interests otherwise affected by the order.

R. G., not appellant, was the minor's foster mother from whom the minor was removed. That appellant also lived in the home and was also interested in adopting the minor does not confer standing upon appellant. Appellant has no legally cognizable interest in the placement of the minor. (Cf. Welf. & Inst. Code, § 366.26, subd. (k) [current caregiver given preference for adoption].)

Although appellant did participate in caring for the minor while the minor was placed with R. G., appellant was not granted de facto parent status. Regardless, de facto parent status would not have conferred standing to complain about placement decisions. (*In re P.L.* (2005) 134 Cal.App.4th 1357, 1361-1362 [de facto parent has no right to custody or continued placement and, therefore, does not have standing to contest placement decision].)

At bottom, appellant has no legally cognizable interest in the placement of the minor or in the juvenile court's ruling on R. G.'s petition for modification. As such, we must dismiss this appeal.

DISPOSITION

The appeal is dismissed.

/s/
Robie, J.

We concur:

/s/
Hull, Acting P. J.

/s/
Renner, J.